

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ACTUS, LLC,**

**Plaintiff,**

**v.**

**BANK OF AMERICA CORP., et al.**

**Defendants.**

**CIVIL ACTION NO. 2:09-cv-102-TJW**

**JURY TRIAL DEMANDED**

**NOTICE OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff Actus, LLC hereby notifies the Court that it dismisses all claims and causes of action asserted against Defendant AgileCO in the above-entitled and numbered action.

Dated: August 4, 2009

Respectfully Submitted,

**ACTUS, LLC**

By: /s/ William E. “Bo” Davis, III

William E. “Bo” Davis III  
Texas State Bar No. 24047416

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**ATTORNEY FOR PLAINTIFF**  
**ACTUS, LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic served were served with a true and correct copy of the foregoing by email, on this the 4th day of August, 2009.

/s/ William E. “Bo” Davis, III  
William E. “Bo” Davis, III